

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN YOUNG,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

8:24CV79

MEMORANDUM AND ORDER

On November 27, 2024, the Court ordered Petitioner to show cause within 30 days why this case should not be dismissed because it is barred by the statute of limitations. [Filing No. 21](#). The Court specifically warned Petitioner that “[f]ailure to respond to this order will result in dismissal of this action without further notice.” [Id. at 4](#). To date, Petitioner has not filed a response to the Court’s order and the time to do so has passed. Accordingly, the Court will dismiss Petitioner’s Second Amended Petition, [Filing No. 12](#), with prejudice for the reasons stated in the Court’s November 27, 2024, Memorandum and Order, [Filing No. 21](#).

Lastly, a petitioner cannot appeal an adverse ruling on his petition for writ of habeas corpus under [§ 2254](#) unless he is granted a certificate of appealability. [28 U.S.C. § 2253\(c\)\(1\)](#); [28 U.S.C. § 2253\(c\)\(2\)](#); [Fed. R. App. P. 22\(b\)\(1\)](#). The standards for certificates (1) where the district court reaches the merits or (2) where the district court rules on procedural grounds are set forth in [Slack v. McDaniel](#), [529 U.S. 473, 484–85 \(2000\)](#). The Court has applied the appropriate standard and determined that Petitioner is not entitled to a certificate of appealability.

IT IS THEREFORE ORDERED that:

1. Petitioner's Second Amended Petition for Writ of Habeas Corpus, [Filing No. 12](#), is denied and dismissed with prejudice because it is barred by the statute of limitations period set forth in [28 U.S.C. § 2244\(d\)](#).
2. The Court will not issue a certificate of appealability in this matter.
3. A separate judgment will be entered.

Dated this 14th day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge